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*Attorneys for Defendants*  
*Wakefern Food Corp.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

VICTORIA SIDLE, individually and  
on behalf of all others similarly  
situated,

Plaintiffs,

-against-

WAKEFERN FOOD CORP.,

Defendant.

Case No. 2:20-cv-16336

**DEFENDANT'S NOTICE OF  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

**REQUEST FOR ORAL  
ARGUMENT**

Motion Returnable: February 16, 2021

**PLEASE TAKE NOTICE** that on February 16, 2021, or as soon thereafter as the matter may be heard, Defendant Wakefern Food Corp. will move before the Honorable Madeline Cox Arleo in Courtroom MLK 4A of the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for an entry of an order dismissing Plaintiff's Complaint. This Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on which relief may be granted.

**PLEASE TAKE FURTHER NOTICE** that, in support of this Motion, Defendant shall rely upon the accompanying brief submitted herewith, together with any papers that Defendant may submit in reply to any opposition filed, along with any additional argument the Court may consider. A proposed order is also submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Defendant requests oral argument.

Dated: January 15, 2021

Respectfully submitted,

/s/ Peter Sullivan

Peter Sullivan

August T. Horvath (*pro hac* forth  
coming)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of January 2021, I caused a true and correct copy of Defendant's Motion to Dismiss Plaintiff's Complaint, together with the supporting Memorandum of Law, proposed order, and this Certificate to be served on counsel of record for Plaintiff via the ECF system.

/s/ Peter Sullivan  
Peter Sullivan